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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,354	08/05/1999	ROBERT R. BUCKLEY	103044	5438

7590 04/16/2002

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 04/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/368,354

Applicant(s)

BUCKLEY ET AL.

Examiner

Madeleine AV Nguyen

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaughnessy et al (US Patent No. 5,075,787).

Concerning claims 1 and 10, Shaughnessy et al discloses a system and method of processing image data of a color image for marking wherein the color image containing overmarked pixels where at least one first color is to be overmarked by a second color comprising means for or steps of generating information that designated the overmarked pixels; performing image processing to create an image of the color image, the image processing including overmarking processing that allows both the at least one first color and the second color to be included in the overmarked pixels in the image and modifying image data of the overmarked pixels in the raster image.

Shaughnessy does not mention that the image processing is a raster image processing to create a raster image of the color image. However, Shaughnessy teaches that the system is an electro-photographic reproduction apparatus or a copier for reproducing an original document sheet wherein the original is scanned to provide respective output signals which are processed to produce signal sets representing the

boundaries of the first and second loops, and reproducing upon a record sheet the portion of the image information in one of the two areas while not reproducing image information within the other. It was commonly known in the art that a conventional electro-photographic reproduction apparatus or copier device can perform raster image processing to create a raster image. It would have been obvious to one skilled in the art at the time the invention was made to consider the system or method in Shaughnessy performs raster image processing since the system scans the original image data and converts it to bit stream of digital data which is coded and processed for reproduction or transmission.

Concerning claims 2-9, 11-18, Shaughnessy further teaches that modifying the image data of the overmarked pixels comprises modifying image data corresponding to the at least one first color; outputting the image, including the modified image data to a marking driver; modifying image data of the overmarked pixels comprises modifying a value of image data corresponding to at least one first color; reducing amount of marking material corresponding to the one first color applied to a marking substrate; generating information that designates the overmarked pixels comprising generating tags that correspond to the overmarked pixels; the overmarked pixels correspond to a black image and the tags indicate that the overmarked pixels are black image pixels; the overmarked pixels correspond to one of black text and a black stroke; a pattern recognition device that recognizes specified patterns and designates pixels that form the recognized patterns as the overmarked pixels (Figs.2-6, Abstract; col. 5, lines 24-65; col. 6, line 2 – col. 8, line 13;

Art Unit: 2622

col. 8, line 50 – col. 11, line 59; col. 12, lines 10–65; col. 13, line 19 – col. 16, line 19;  
col. 18, lines 56-66; col. 19, line 57 – col. 20, line 31).

Concerning claims 19-22, Shaughnessy et al further teaches a printer, a digital copier incorporating the system as set forth in claim 10 and a storage medium on which is stored a program that implements the method set forth in claim 1 and which is stored data that has been processed according to the method set forth in claim 1.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Suzuki (US Patent No. 5,296,939) discloses an image area discriminating system for an image processing apparatus which discriminates different image areas.
- b. Bloomberg et al (US Patent No. 5,272,764) teaches a detection of highlighted regions of a document.
- c. Passman et al (US Patent No. 6,362,901) recited a document scanning system to provide scanning coordinates for a scan and to receive a scanned image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703 305-4712. The fax phone numbers for the

Art Unit: 2622

organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



AV  
April 12, 2002

Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2622